

# PATENT COOPERATION TREATY

From the  
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

## PCT

To:

GILL JENNINGS & EVERY  
Broadgate House  
7 Eldon Street  
London EC2M 7LH  
GRANDE BRETAGNE

### NOTIFICATION OF TRANSMITTAL OF THE INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Rule 71:1)

Date of mailing  
(day/month/year)

02.06.2005

Applicant's or agent's file reference  
RSJ07899WO

### IMPORTANT NOTIFICATION

International application No.  
PCT/GB 03/05126

International filing date (day/month/year)  
25.11.2003

Priority date (day/month/year)  
27.11.2002

Applicant  
CITY TECHNOLOGY LIMITED

1. The applicant is hereby notified that this International Preliminary Examining Authority transmits herewith the international preliminary examination report and its annexes, if any, established on the international application.
2. A copy of the report and its annexes, if any, is being transmitted to the International Bureau for communication to all the elected Offices.
3. Where required by any of the elected Offices, the International Bureau will prepare an English translation of the report (but not of any annexes) and will transmit such translation to those Offices.
4. **REMINDER**

The applicant must enter the national phase before each elected Office by performing certain acts (filing translations and paying national fees) within 30 months from the priority date (or later in some Offices) (Article 39(1)) (see also the reminder sent by the International Bureau with Form PCT/IB/301).

Where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary examination report. It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned.

For further details on the applicable time limits and requirements of the elected Offices, see Volume II of the PCT Applicant's Guide.

The applicant's attention is drawn to Article 33(5), which provides that the criteria of novelty, inventive step and industrial applicability described in Article 33(2) to (4) merely serve the purposes of international preliminary examination and that "any Contracting State may apply additional or different criteria for the purposes of deciding whether, in that State, the claimed inventions is patentable or not" (see also Article 27(5)). Such additional criteria may relate, for example, to exemptions from patentability, requirements for enabling disclosure, clarity and support for the claims.

Name and mailing address of the international  
preliminary examining authority:



European Patent Office - P.B. 5818 Patentlaan 2  
NL-2280 HV Rijswijk - Pays Bas  
Tel. +31 70 340 2040 Telex 31 651 epo nl

Authorized Officer

Pozzi, C

Tel. +31 70 340-3260



# PATENT COOPERATION TREATY

## PCT

### INTERNATIONAL PRELIMINARY EXAMINATION REPORT (PCT Article 36 and Rule 70)

|   |  |  |
|---|--|--|
| Applicant's or agent's file reference<br><b>RSJ07899WO</b>  | <b>FOR FURTHER ACTION</b> See Notification of Transmittal of International Preliminary Examination Report (Form PCT/PEA/416) |  |
| International application No.<br><b>PCT/GB 03/05126</b>   | International filing date ( <i>day/month/year</i> )<br><b>25.11.2003</b>   | Priority date ( <i>day/month/year</i> )<br><b>27.11.2002</b> |
| International Patent Classification (IPC) or both national classification and IPC<br><b>G01N27/14</b> |  |  |
| Applicant<br><b>CITY TECHNOLOGY LIMITED</b>   |  |  |

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 5 sheets, including this cover sheet.
 

☐ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of    sheets.

3. This report contains indications relating to the following items:
 

I    ☒ Basis of the opinion

II   ☐ Priority

III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

IV   ☐ Lack of unity of invention

V    ☒ Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

VI   ☐ Certain documents cited

VII ☐ Certain defects in the international application

VIII ☐ Certain observations on the international application

|   |  |
|---|--|
| Date of submission of the demand<br><br><b>18.06.2004</b>   | Date of completion of this report<br><br><b>02.06.2005</b>                       |
| Name and mailing address of the international preliminary examining authority:<br><br><div style="display: flex; align-items: center;"> <div>             European Patent Office - P.B. 5818 Patentlaan 2<br/>             NL-2280 HV Rijswijk - Pays Bas<br/>             Tel. +31 70 340 - 2040 Tx: 31 651 epo nl<br/>             Fax: +31 70 340 - 3016           </div> </div> | Authorized Officer<br><br><b>Wilhelm, J</b><br><br>Telephone No. +31 70 340-2633 |



**INTERNATIONAL PRELIMINARY  
EXAMINATION REPORT**

International application No. **PCT/GB 03/05126**

**I. Basis of the report**

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

**Description, Pages**

1-20 as originally filed

**Claims, Numbers**

1-35 as originally filed

**Drawings, Sheets**

1/14-14/14 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
- ☐ the claims, Nos.:
- ☐ the drawings, sheets:

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EXAMINATION REPORT**

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5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

*(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)*

6. Additional observations, if necessary:

**V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

1. Statement

|                               |             |                              |
|-------------------------------|-------------|------------------------------|
| Novelty (N)                   | Yes: Claims | 2-13,17,19,24-26,28,33,34    |
|                               | No: Claims  | 1,14-16,18,20-23,27,29-32,35 |
| Inventive step (IS)           | Yes: Claims | 2-8,10-13,19,33,34           |
|                               | No: Claims  | 1,9,14-18,20-32,35           |
| Industrial applicability (IA) | Yes: Claims | 1-35                         |
|                               | No: Claims  |                              |

2. Citations and explanations

**see separate sheet**

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EXAMINATION REPORT - SEPARATE SHEET**

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Reference is made to the following document:

- D1: EP1134557 (AUSTRIA MIKRO SYSTEME AG) 19 September 2001 (2001-09-19)  
D2: DE19828662 (SIEMENS AG) 5 January 2000 (2000-01-05)

1. Clarity

- 1.1. The claims are not supported by the description as required by Article 6 PCT, because one of the claimed features, namely the moulded housing defining an enclosure, has no basis in the description and the drawings. The moulded housing (1) itself has only a recess but not an enclosure to accommodate the gas sensitive element (4, 5), an enclosure is only formed in combination with flame arrestor (3), see p. 12, l. 16-18.  
For interpreting the claims for the assessment of novelty, the term "enclosure" therefore has to be read as referring to any recess in the moulded housing.
- 1.2. The independent claims are not in the two-part form in accordance with Rule 6.3(b) PCT.
- 1.3. Although claims 1 and 2 have been drafted as separate independent claims, they appear to relate effectively to the same subject-matter and to differ from each other only with regard to the desired scope of protection. The aforementioned claims therefore lack conciseness and as such do not meet the requirements of Article 6 PCT.
- 1.4. The features of the claims are not provided with reference signs placed in parentheses (Rule 6.2(b) PCT).

2. Independent claims 1 and 31

Document D2 discloses a method for manufacturing a gas sensing device and a gas sensing device thus manufactured, wherein:

- a plastics housing (6) is injection-moulded in situ around a conducting lead frame (1)

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- the housing (6) has a recess (= "enclosure") (7) open for gas flow
- a gas sensitive element (3) in the enclosure (7) is mounted to the conducting lead frame (1)
- the conducting lead frame (1) comprises connection leads (2), which are accessible through and are encapsulated by the housing.

All features of claims 1 and 31 are thus known from D2, the subject-matter of these claims is not new in the sense of Article 33(2) PCT.

**3. Independent claim 2**

Claim 2 contains all features of claim 1, and additionally specifies that the means for enabling gas flow into the enclosure is a flame arrestor.  
It is not known from the available prior art to encapsulate the lead frame of a catalytic sensor for combustible gases in a plastics housing, and therefore it would not be obvious to combine a sensor according to D2 with the feature of a flame arrestor.

The subject-matter of claim 2 is new and inventive in the sense of Article 33 PCT.

**4. Dependent claims**

- 4.1. Dependent claims 9, 14-18, 20-30, 32 and 35 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of novelty and/or inventive step.
- 4.2. The combination of the features of dependent claims 3-8, 10-13, 19, 33 and 34 is neither known from, nor rendered obvious by, the available prior art.